

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3722 AF
RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

In re Patent Application of

Atty Dkt. 3584-9

C# M#

WIRTH et al

Group Art Unit: 3722

Serial No. 09/922,938

Examiner: Walsh

Filed: August 7, 2001

Date: July 30, 2003

Title: LATHE APPARATUS



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AUG 04 2003
TECHNOLOGY CENTER R3700

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	18	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00

Independent claims after amendment	6	minus highest number		
previously paid for	6	(at least 3) =	0 x \$ 84.00	\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)	\$ 110.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)	\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed	
<input type="checkbox"/> Submission attached	

Subtotal \$ 110.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 55.00
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☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other:	0.00
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TOTAL FEE ENCLOSED \$ 55.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHUYE P.C.
By Atty: Michelle N. Lester, Reg. No. 32,331

Signature:



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Ex Time (L)

Reg for Record

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8/16/03

B. Ross

* * * * *

July 30, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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REQUEST FOR RECONSIDERATION UNDER RULE 116

Responsive to the Official Action dated April 3, 2003, kindly enter the following remarks.

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

At the outset it is respectfully submitted that the finality of the Examiner's Official Action was premature. Indeed, it is respectfully noted that, e.g., claims 12 and 14 were amended by the January 15, 2003 Response merely to be presented in independent form, which does not constitute a substantive change necessitating a new ground of rejection. Nevertheless new rejections were made of those claims. For example, in the first Official Action claim 12 was rejected under 35 USC 103 as unpatentable over the combination of Hardy and McCormick. Claim 12 was then presented in independent